

Public Notice for 401 Certification

Jack of Hearts Road – Dark Canyon Creek Culvert Replacement Project WDID No. 1B04125WNME

Mendocino County

On September 3, 2004, the North Coast Regional Water Quality Control Board (hereinafter Regional Water Board) received an application from Mr. Joseph Scriven of E Center, on behalf of the Bureau of Land Management (hereinafter applicant), requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for a proposed project involving removal of an existing culvert on Dark Canyon Creek and replacement with a bridge. The proposed project will cause temporary disturbances to Dark Canyon Creek in the Laytonville Hydrologic Subarea No. 111.33.

This proposed stream crossing improvement project is located on Jack of Hearts Road at Dark Canyon Creek, approximately twenty feet from the confluence of Dark Canyon Creek and Jack of Hearts Creek. The existing 8-foot diameter culvert has adequate hydraulic capacity; however, the culvert outlet is elevated about four feet and poses a barrier for salmonid migration. The purpose of this project is to remove the culvert and install a bridge over the creek to improve fish passage. The new stream crossing will consist of a precast concrete bridge on precast concrete abutments. The project will require closure of Jack of Hearts Road for a two-day period. The new bridge will maintain the load rating on Jack of Hearts Road, increase the hydraulic capacity for Dark Canyon Creek, return the creek bottom to natural substrate, improve fish passage, and improve passage for terrestrial wildlife.

Dark Canyon Creek is likely to be flowing at the time of construction. A cofferdam will be installed approximately ten meters upstream of the culvert inlet and the stream will be pumped around the work area. A cofferdam will also be installed at the outlet end of the culvert to prevent turbid water from entering Jack of Hearts Creek. Turbid water will be pumped to a location where the water can percolate into soil and not flow into any stream channel. The proposed project will permanently impact approximately 0.02 acre of jurisdictional waters of the United States. The permanent impacts are to the existing culverted streambed. The project, including installation and removal of cofferdams, is anticipated to temporarily impact less than 0.01 acre of jurisdictional waters of the United States.

Best Management Practices will be implemented to prevent impacts to water quality, including implementation of an Accidental Spill Prevention and Response Plan. Bare ground will be covered with weed-free mulch and monitoring will be conducted after significant rain events. All potentially adverse impacts to the stream from this project are anticipated to be temporary. The project is anticipated to start at the end of September or as early as possible. The project is expected to take approximately five days to complete. If all required permits are not issued in time for implementation to occur by October 15, 2004, the project will likely be postponed for a season.

The applicant has applied to the United States Army Corps of Engineers (USACOE) for authorization to perform the proposed project using the Regional General Permit for Fish Passage/Sediment Reduction Projects at Water Crossings (RGP-1), pursuant to Clean Water Act, Section 404. If the USACOE determines this project qualifies for coverage under RGP-1, individual Water Quality Certification and this 21-day public notice period is not required. This notice was posted in the event that RGP-1 will not be used for the project and an individual

Water Quality Certification is required. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from California Department of Fish and Game. California Department of Fish and Game is also reviewing the project for compliance with the California Environmental Quality Act (CEQA). If RGP-1 is not issued by the USACOE and individual Water Quality Certification is required, the certification will not be issued until the applicant has submitted documentation demonstrating compliance with CEQA.

Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act Authority. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact Regional Water Board staff member Dean Prat by phone at (707) 576-2801, or e-mail pratd@rbl.swrcb.ca.gov within 21 days of the posting of this notice.